

# Exhibit A

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DYLAN BURGESS, individually and on §  
behalf of all others similarly situated, §  
*Plaintiff,* §**

**v. §**

**RAB, INC., §  
*Defendant.* §**

**Case No. 3:23-cv-02845-L**

**DECLARATION OF RUSTY ZERCHER**

I, Rusty Zercher, declare as follows:

1. I am over the age of eighteen (18) years of age, of sound mind, have never been convicted of a felony or a misdemeanor of moral turpitude and am fully competent and qualified to make this Declaration. I have personal knowledge of all the facts set forth in this Declaration and all facts and statements contained herein are true and correct of my own personal knowledge.
2. My name is Rusty Zercher. I am the Chief Operating Officer for RAB, Inc. ("RAB").
3. In my role as COO for RAB, I am also a custodian of records maintained by RAB. RAB maintains detailed records of all client accounts, including call logs, notes, copies of correspondence, and recordings. I am familiar with RAB's business practices and procedures regarding the services it provides its customers and its record-keeping systems related to individual accounts including the manner in which its records are created and maintained by virtue of my duties and responsibilities.
4. Attached hereto is one (1) document related to Plaintiff.
5. This document, attached hereto as Exhibit B, is the eCommission Active Listing Advance Agreement which Plaintiff entered into with eCommission.

6. A copy of this document was provided to RAB when eCommission placed the account with RAB.

7. This document was kept in the regular course of business, and it was the regular course of our business, with knowledge of the act, event, condition, or opinion to make the record or to transmit information thereof to be included in this record; and the record was made at or near the time or reasonably soon thereafter. Records and documents received from the creditor(s) of the debt were incorporated in RAB's records in the ordinary course of business and were kept in the regular course of business.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

9. Executed on 1/19/2024.

  
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Rusty Zercher  
Chief Operating Officer, RAB, Inc.